

Bahamian Legal Process

Arraignment - Usually an arrestee will be brought before a magistrate the first working day following his arrest but no longer than 48 hours afterward. If the magistrate determines there is probable cause, the arrestee will be formally charged and will enter a plea.

Pleas - If the arrestee pleads guilty, the magistrate normally hands down a sentence immediately. If the arrestee pleads not guilty, they will usually be remanded into custody pending trial (bail is rarely given to non-Bahamians). Individuals often remain on remand for months until trial.

Fines - Fines for minor, non drug-related offenses may be as little as \$50. Fines for minor drug offenses range from \$500 to \$3000; however, there is no reliable way to predict what penalty a magistrate might decide upon. Several years ago, an individual charged with being drunk and disorderly received 30 days, while someone caught with 200 grams of cocaine got off with a fine. If an arrestee is fined, he/she will be released shortly after the fine is paid.

Sentences - For more serious offenses, the arrestee will receive a prison sentence, or in the case of a murder conviction, a mandatory death sentence. Prison sentences can range from 7 days to life and are served at Her Majesty's Prison, Fox Hill, in Nassau. Magistrates and the High Court are bound by the sentencing guidelines in the Statute Law of The Bahamas, copies of which can be found in the Consular and Econ sections.

Lawyers - Except in treason or murder cases, the GCOB does not provide lawyers to those who cannot afford one. Therefore, if the prisoner does not hire a lawyer, he or she will not have one. Bahamian lawyers often require a hefty retainer, and many will not accept drug-related cases. Those who do are found on the "Short Lawyers List" in Appendix H.

Specific Charges - Drug offenses are treated very seriously by the Bahamian government. Sentences are likely to be heavier than in the US. Poaching/illegal fishing usually results in hefty fines from \$1000-\$5000. If the boat is confiscated, it may be released by order of the Minister of Agriculture and Fisheries after all fines are paid and a written request is submitted by the owner or his attorney.